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GLOBAL STRATEGIC LITIGATION COUNCIL

COSTA RICA

LEFT IN LIMBO

Emerging Challenges for Third Country Nationals Forcibly Transferred by the United States to Costa Rica

RACHEL SCHMIDTKE AND NATASHA PÉREZ TÜMMLER

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About the Authors

Rachel Schmidke is the Senior Advocate for Latin America at Refugees International. Follow her on Linkedin.

Natasha Pérez Tümmler is a Regional Litigator for the Americas at the GSLC and a Costa Rican attorney specializing in environmental law and human rights, with a focus on sustainability and climate change. Follow her on Linkedin.

About Refugees International

Refugees International advocates for lifesaving assistance and protection for displaced people and promotes solutions to displacement crises around the world. We do not accept any government or UN funding, ensuring the independence and credibility of our work.

About the Global Strategic Litigation Council

The GSLC uses the power of people and the law to advance the rights of displaced communities around the world. It unites and supports a global coalition of NGOs, refugee leaders, lawyers, advocates and academics to coordinate strategic litigation and legal advocacy that transforms the narrative around migration and changes lives.

Cover Photo: Migrants deported from the United States get off an airliner at the runway of the Juan Santamaria International Airport in Alajuela, Costa Rica, on April 11, 2026. Photo by Ezequiel BECERRA / AFP via Getty Images.

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Executive Summary

During the second Trump administration, the United States has increasingly used third country deportation agreements to shift its responsibility to protect asylum seekers and refugees to other countries. However, most of these countries are not effectively protecting the third country nationals they receive pursuant to the agreements. Costa Rica has been one of largest recipients of forcibly transferred third-country nationals, with an agreement to receive up to 25 people per week from the United States. Costa Rica's strong tradition of humane treatment of displaced people and respect for their human rights makes it a useful test case for whether these deportation arrangements can be reconciled with human rights standards – and our research demonstrates that the answer is a resounding no. Even in Costa Rica, third-country deportees are denied their rights, unable to access adequate documentation, separated from family, and left in an uncertain limbo about their future, damaging their mental health. They are left in a system that seems oriented to provide only temporary solutions to a growing number of people who cannot return home and may stay in Costa Rica long-term.

The Trump administration first made agreements with governments across the Americas in early 2025 and later pursued agreements with countries in Africa, Asia, and Europe. The agreements entail the forcible transfer of individuals to countries with which they have no meaningful ties, including no knowledge of the language and no prior presence in the country. The United States does not inform receiving states of the family and immigration status of those third country nationals it deports – including refugee protection sought or granted in the United States. Many countries agreeing to accept third country nationals have operated as if they are simply transit stations and have adopted temporary measures rather than offering long term status, protection, and integration to individuals received from the United States. In many third countries, the individuals forcibly transferred have had difficulty accessing counsel, and state authorities have blocked civil society efforts to support them.

Costa Rica has entered into two third country deportation agreements with the United States. One was an informal agreement in February 2025 to accept 200 forcibly transferred individuals on two separate flights. Then, in March of 2026, Costa Rica signed a Memorandum of Understanding (MOU) to accept 25 third country nationals a week deported from the United States. Costa Rica's current president, who negotiated the terms of this agreement, maintains a close alliance with the Trump administration, even stating she would welcome U.S. ground operations in the country. This is notable given Costa Rica has not had a military since 1948.

Under the new agreement, in response to civil society policy advocacy and litigation efforts, Costa Rica, through the Dirección General de Migración y Extranjería (General Directorate of Migration and Foreigners, or DGME for its Spanish acronym), has made significant efforts to improve the situation for forcibly transferred individuals. These efforts guaranteed that forcibly transferred individuals have freedom of movement, humanitarian support, and legal status.

This is a relatively generous reception compared to most other countries who have signed third country agreements. However, Costa Rica is receiving people without fully upholding its domestic legal obligations to safeguard their rights. This is because human rights violations are baked into the very construct of these bilateral third-country deportation agreements. The Trump administration is using

these agreements to punish immigrants and asylum seekers, to subvert adherence to the UN Refugee Convention, to instrumentalize the International Organization for Migration, and to externalize U.S. responsibility to provide asylum to the Costa Rican government – all while using U.S. State Department humanitarian funding for migrants and refugees to pay for it. Costa Rica entered into this second agreement with some important safeguards for forcibly transferred individuals, but with neither the political will to push back against the U.S. agenda nor the appropriate policies to provide protection and rights to the people denied them in the United States.

The structure of the MOU is not oriented towards individuals with protection needs who want to remain in Costa Rica long term or permanently. Currently, this applies to nearly half of the individuals who have been forcibly transferred to Costa Rica pursuant to the MOU. There is no published implementation plan for the MOU setting forth clear procedures for the dignified reception of third-country nationals by Costa Rican entities or guidelines for treatment of individuals who remain in Costa Rica. There are also few limitations on the individuals Costa Rica will receive pursuant to the MOU.

This report identifies emerging challenges Refugees International and the Global Strategic Litigation Council (GSLC) have observed through interviews conducted with individuals forcibly transferred to Costa Rica in the spring and summer of 2026. These challenges include: 1) inability to access asylum in the United States 2) family separation from spouses and minor children; 3) lack of clear and accessible information in Costa Rica; and; 4) lack of documentation necessary to effectively integrate in Costa Rica.

The report includes recommendations addressed to the Costa Rican authorities and representatives of the International Organization for Migration (IOM) to undertake concrete measures to protect the rights of individuals forcibly transferred to Costa Rica and to ensure that the State complies with its obligations under national and international law.

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Methodology

Beginning in April 2026, Refugees International and the Global Strategic Litigation Council (GSLC) conducted 21 interviews with third-country nationals forcibly transferred from the United States to Costa Rica. To conduct the interviews, Refugees International and GSLC representatives visited common areas, such as lobbies and restaurants in the hotels accommodating third-country nationals, and approached individuals to ask if they would agree to participate.

Refugees International and GSLC representatives informed interviewed individuals of the purpose and intended use of the information and gave them the opportunity to raise concerns or request that particular information not be included in this report. Participation was entirely voluntary, and individuals were informed that they could decline to answer any particular question or end the interview at any time.

Throughout the research process, Refugees International and GSLC also took measures to safeguard the privacy and security of participants and the information they shared. Personally identifying information is not included in this report without expressed consent. Refugees International and GSLC have also sought to prioritize the safety, dignity, privacy, and autonomy of the individuals interviewed and to minimize any risk of harm arising from their participation or from the publication of information about their experiences. Therefore, all names used in this brief are pseudonyms.

It is important to note that representatives of the GSLC and Refugees International did not interview a representative sample of individuals of the different nationalities forcibly transferred from the United States to Costa Rica. Interviews were done with those present and willing to meet with Refugees International and GSLC at the time of their visits. On some occasions, only a small number of individuals were available, and specific language barriers further limited the organizations' ability to conduct interviews with some individuals.

This report was sent to DGME and the IOM prior to publication. Refugees International and GSLC received a response from DGME on September 16, 2026, (Official Letter DG-1244-09-2026) affirming its commitment to the rights of forcibly transferred individuals, denying that it is not fully upholding domestic obligations, and stating that our claim is subjective. However, as addressed, this report is based on interviews conducted with third-country nationals, not the subjective views of the authors. The IOM also responded on September 16, 2026, clarifying its role in Costa Rica and affirming it is operating at the request of the Costa Rican government who is the duty bearer to the third country nationals subject to the MOU.

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Background

Informal Agreement between the United States and Costa Rica in February 2025

In February 2025, despite its strong human rights traditions, Costa Rica was one of the first countries to agree to receive forced transfers of third-country nationals from the United States. The Costa Rican Presidency stated that the country would serve as a "bridge" for deportation back to their home countries. The U.S. Department of Homeland Security (DHS) expelled 200 people, including 81 children, from countries across Asia and Africa to Costa Rica after they tried to enter and seek asylum in the United States and had been subject to harsh treatment by U.S. Customs and Border Protection custody. Upon arrival, the Costa Rican authorities detained the third-country nationals near the border with Panama for months in a former pencil factory called the Temporary Center for Migrants (CATEM).[1]

At the CATEM, the deportees were denied freedom of movement, clear and accessible information on their legal status and migratory options, proper medical care, education for the children, and the ability to apply for asylum. Following sustained advocacy efforts and media coverage, in April 2025, the Costa Rican authorities granted the third-country nationals freedom of movement and gave them their identity documents.

At the end of June 2025, the Constitutional Court ruled on a habeas corpus petition and ordered the release of individuals at CATEM. Additionally, the Constitutional Court found that the Costa Rican government had violated the individuals' rights while held at CATEM, in particular their rights to personal liberty and freedom of movement, timely and adequate access to information, access to legal counsel, and freedom to communicate with the media.

Following sustained advocacy and the Constitutional Court's resolution, DGME finally granted those who remained in the country legal status. Through individualized resolutions, as ordered by the Court, DGME granted individuals six-month temporary humanitarian status. However, individuals were not provided with identification cards (such as a DIMEX, the migratory identification document for foreigners). Instead, the resolutions themselves—a paper document—were intended to serve as proof of their legal status. In practice, this significantly hindered access to bank accounts, basic services, and formal employment, as public and private entities did not recognize the resolutions as valid proof of legal status.

Throughout the validity of this status, civil society continued its advocacy efforts, including through media engagement. As a result, in early 2026, individuals were finally issued DIMEX cards, helping regularize their situation in the country and significantly facilitating their ability to begin integrating into society. The DIMEX cards are currently valid until December 2026 and, in principle, may be renewed.

1 CATEM was a former pencil factory and was gifted to the Costa Rican authorities in 2018. The contract between the parties established that the premises would be used as a shelter to offer refuge and humanitarian assistance for people migrating through the region. See "World's largest pencil maker accuses Costa Rica of misusing old factory as detention center," February 2026, Guardian: https://www.theguardian.com/world/2026/feb/09/faber-castell-costa-rica-trump-asylum

Memorandum of Understanding Signed between the United States and Costa Rica in March 2026

In March 2026, the Costa Rican government signed an MOU agreeing to accept up to 25 third-country nationals per week from the United States. The costs of services, accommodation, and repatriation of those transferred would be covered by the United States through funding to the IOM–confirmed by DGME in its Official Letter DG-1244-09-2026 mentioned above.

Beginning in April 2026, Costa Rica began to receive flights almost every week. At the time of publication of this report, 22 flights have arrived in Costa Rica from the United States carrying 460 forcefully transferred individuals from 39 nationalities, with the largest groups being Colombian, Chinese, Mexican, and Brazilian nationals.

There is an arbitrariness about who is forcibly transferred to Costa Rica under the MOU in contrast to other agreements. Our research indicates that in some recipient countries, often those with weak or non-existent national asylum systems, many or most of those transferred are asylum seekers or people granted protection against removal from the United States by meeting the refugee definition or under the Convention Against Torture. In contrast, while many people forcibly transferred to Costa Rica have serious protection concerns, others did not have protection claims and thus could have been deported by the United States to their home countries without risk of refoulement and in coordination with countries of origin. Forcible transfers under the agreement are thus arbitrarily harmful and cumbersome for individuals with or without protection concerns.

The Role of the International Organization for Migration (IOM)

The IOM currently provides post-arrival assistance and humanitarian support, including hotel accommodations for the transferred population, while also offering Assisted Voluntary Return (AVR). The U.S.-Costa Rica MOU is skewed towards AVR as third-country nationals are generally interviewed individually upon arrival by IOM as part of an initial screening process to determine whether they are interested in AVR. Both AVR and humanitarian support IOM provides is financed by the U.S. State Department through a two-year $22.6 million USD award, and Costa Rica does not cover any expenses related to the MOU.

Although the MOU says that the IOM will provide services to transferred third-country nationals, the organization has made clear to Refugees International and GSLC that responsibility for the individuals ultimately rests with the Costa Rican government. Under international law, the state is the "duty bearer," with principal responsibility for the human and lawful treatment of migrants it accepts.

In practice, however, Costa Rica is not fulfilling that role, and IOM is the de facto primary point of contact for forcibly transferred third-country nationals post-arrival and throughout their stay in Costa Rica. IOM facilitates their departure when they decide to leave the country by their own means, including by arranging transportation to the airport. IOM serves as the filter by which individuals access migration and other services in the country. When individuals have questions regarding legal statuses and migration options that are available to them, IOM arranges for a DGME representative to

visit the hotel to provide additional information or to coordinate appointments at the DGME office. Although the IOM is not party to the agreement, it plays a central role in facilitating many of the services that make this agreement possible, particularly in offering AVR as a pathway for individuals to leave Costa Rica and also by bearing the humanitarian-related costs of all of the transferred individuals.

The prominent role of IOM in providing services that facilitate the implementation of the MOU reflects the underlying logic of the arrangement: Costa Rica was supposed to serve as a "bridge" for individuals transferred from the United States on their way back to their countries of origin. However, this is not what is occurring in practice. A significant proportion of the third-country nationals forcibly transferred remain in Costa Rica, in some cases because they have fear of return to their home countries or because they are separated from family members in the United States. Many lack a clear understanding of their legal status or options for the future. Of the first 460 people sent as of September 25, 210 remain in the country, including 37 waiting for their AVR, according to the General Directorate on Migration's webpage.

This situation creates ethical dilemmas for IOM and has placed an increasing financial and operational burden on the organization. The prolonged presence of individuals who lack clear pathways for return or integration has extended their dependence on IOM-supported assistance. This growing pressure should not, however, result in the reduction or conditioning of support for individuals who do not pursue AVR. Financial or capacity constraints are leaving individuals without adequate living conditions or reducing essential humanitarian support. If IOM lacks capacity or the funding necessary to continue providing assistance that enables it to ensure individuals' rights and basic needs continue to be protected, that simply underscores that this MOU cannot realistically be reconciled with basic human rights standards.

The Role of the General Directorate on Migration and Foreigners (DGME)

The DGME is the Costa Rican State institution responsible for the execution of the MOU and, ultimately, for determining and granting the legal status of individuals forcibly transferred to the country. As the State authority responsible for these individuals, the DGME must ensure compliance with the special safeguards and human rights standards applicable to this population under both domestic and international law.

Together with IOM, the DGME receives the incoming flights each week and provides each person with a tourist visa granting them regular status in Costa Rica for an initial period of 30 days.

After IOM's first screening interview, DGME subsequently holds a general information session in which individuals are presented with four options: (i) applying for AVR; (ii) leaving Costa Rica by their own means; (iii) applying for asylum; or (iv) requesting humanitarian status. DGME is responsible for determining and formalizing the legal status of those third-country nationals who choose either applying for asylum or requesting humanitarian status, which both allow individuals to legally work in the country– options confirmed by DGME in its Official Letter. However, temporary humanitarian status is, by nature, temporary, and may be renewable, whereas applying for asylum provides individuals with an asylum-seeker identification card once their application is filed. If the asylum claim is ultimately granted, the resulting status is permanent, although the adjudication of the claim can take several years.

The MOU was premised on an assumption that the vast majority of forcibly transferred people would ultimately leave Costa Rica. Because a significant number of individuals are remaining in Costa Rica, the DGME must take additional steps to ensure their rights are effectively upheld.

While IOM has borne most of the financial costs associated with the implementation of the MOU, particularly those related to the provision of humanitarian assistance, the arrangement has also created significant administrative demands for the DGME. Each week, DGME officials receive incoming flights, prepare individualized tourist visas, visit at least one of the hotels where third-country nationals are accommodated, hold information sessions, and process and issue humanitarian immigration documents for those who wish to remain in the country, at least in the medium term. Third-country nationals who seek asylum or require other immigration procedures (such as family unification) are also putting pressure on Costa Rica's already overstretched migration and asylum systems.

Given the challenges Refugees International and GSLC identified, it appears the Costa Rican government did not recognize, when it signed the MOU, the financial and administrative implications of many forcibly transferred individuals remaining in Costa Rica long term or permanently. Given its existing limited resources, the DGME is unable to fully comply with its domestic and international human rights obligations. This is particularly concerning given that this is the second agreement of this nature Costa Rica has entered into, and the potential financial and administrative consequences of receiving and supporting forcibly transferred individuals should therefore have been carefully assessed when considering the arrangement.

Current Conditions at Hotels and Civil Society Access to Individuals

Third-country nationals are no longer being detained as they originally were pursuant to the first agreement in 2025. Nonetheless they have been forcibly transferred to a country they do not know and where most do not speak the language. Many have been separated from their families in the United States. Most are left in limbo, facing profound uncertainty about their futures and still traumatized from their detention and forced removal from the United States.

Beginning in April 2026, civil society organizations began dialogue with DGME and IOM staff to better understand the dynamics of this MOU in practice, how individuals were being treated, and the roles of both organizations in the implementation. Both agencies were responsive to these requests and civil society was able to meet with IOM and DGME. The Human Rights Ombudsman's office also began monitoring the implementation of the MOU at this time. From June through August 2026, civil society organizations repeatedly requested DGME for formal and direct access to the third country nationals in the hotels accommodating them. DGME was slow to respond.

At the time of writing, civil society organizations were only able to access one of the hotels as part of an official visit on August 10, 2026, during which DGME prevented confidential communication with the third-country nationals. However, on August 12, 2026, Omer Badilla Toledo, Viceminister of Interior and Police also serving as Director General at the DGME, sent an official letter via email informing representatives of the civil society organizations they were denied future visits despite an agreement to

conduct monthly visits to the hotels. The reasons provided for DGME's denial of access included that, allegedly, the techniques civil society representatives used during the interviews might have caused "emotional distress" and led some of the third-country nationals "to request clarification on issues related to their documentation and immigration status."[2]

This decision is concerning since the primary sources of information and assistance for third-country nationals have been the Costa Rican authorities, including DGME, and IOM. Restricting direct access to independent civil society organisations leaves individuals with fewer opportunities to obtain independent legal information and assistance, particularly regarding their immigration options and rights. Particularly concerning is the fact that DGME appears to view individuals' requests for clarification regarding their documentation and immigration status as a concern raised by civil society, rather than as a legitimate right for information among the third-country nationals themselves.

This situation also further risks isolating people who are already in a highly vulnerable position and undermining transparency and accountability around the implementation of this externalization arrangement.

2 According to official letter number DG-1104-08-2026 by the General Directorate of Migration and Foreigners. Translation not official.

Emerging Challenges

The interviews Refugees International and the Global Strategic Litigation Council conducted reveal troubling trends related to the experiences of third-country nationals forcefully transferred to Costa Rica and the challenges many faced and continue to experience.

Asylum in the United States is Inaccessible

Twelve interviewees fled serious harm in their home countries but were unable to access or denied asylum in the United States despite the merits of their claims. These individuals represent a population of concern in Costa Rica, as they cannot return home, but the MOU was not designed to support individuals who must stay long-term in the country, and the Costa Rican asylum system is on the verge of collapse. The United States is effectively pushing onto Costa Rica (and other third countries) the burden of processing asylum claims that it has decided to ignore.

Barring access to asylum in the United States is a core goal of the Trump administration's policies. The administration has cut off orderly pathways to seek asylum, made it harder to receive an initial screening interview with an asylum officer, instructed asylum officers to deny strong claims that previously would have been granted, ordered immigration judges to terminate asylum cases without considering the merits of claims, and issued precedent decisions for immigration judges that drastically limit asylum eligibility. The result has been a plummeting asylum grant rate in the United States and the deportation from the United States of many people with meritorious claims.

Ports of entry along the U.S. southern border are inaccessible to immigrants seeking asylum. Those who cross between ports of entry and are arrested by the Border Patrol are detained and placed in expedited removal. The Trump administration has changed expedited removal procedures. Officers no longer ask migrants about fear of returning to their home countries. Nor do the officers inform them of their right to seek asylum. Refugees International interviewed several individuals from South American countries who fled criminal organizations at home and undertook dangerous journeys to arrive to the U.S.-Mexico border – including being held hostage by cartels in Mexico for weeks and being locked in a trailer and left to die in the Texas desert. Once in DHS custody, they did not know they needed to affirmatively assert their wish to seek asylum and were swiftly deported to Costa Rica where they remain traumatized by their experiences and deprived of their right to have their claims heard.

Refugees International and GSLC interviewed several people forcibly transferred to Costa Rica who fled targeted persecution, physical violence, and death threats and who would likely face serious harm if returned to their home countries. For example, Lily, a woman from South America, was abused and kidnapped by an ex-partner and cartel member. He learned that Lily had been asked to serve as a key witness in a case against him and subsequently shot several times at her house and threatened to kill her. She fled immediately, fearing for her life. Another individual, Kraig, from Eastern Europe, fled his country because he had been threatened for participating in and speaking at political opposition rallies.

DHS placed both Lily and Kraig in expedited removal. Both were given the Trump administration's newly designed credible fear interviews, which do not fairly assess claims. While detained, Lily had an interview over the phone during which she explained why she wanted to seek asylum but was repeatedly asked only about religious persecution, not the actual persecution she fled. Kraig told an interviewer why he fled his country and his fear of returning there. The interviewer told him over the phone that he did not qualify for asylum and did not let Kraig present the extensive evidence he had on his phone, which authorities had confiscated from him. DHS never returned his phone and Kraig was sent to Costa Rica without it and the evidence stored on it.

The Trump administration has also changed the standards used to handle asylum claims by people who entered the United States before January 20, 2025. Many people with outstanding asylum applications have been arbitrarily arrested during DHS's enforcement operations and subject to prolonged detention. Newly appointed "deportation judges" are denying almost all asylum applications, including strong claims backed by significant evidence, and especially of unrepresented and detained asylum seekers. Judges have also been ordering thousands of asylum seekers removed to third countries and discouraging asylum seekers from appealing denials of their claims.

Refugees International and GSLC interviewed Gian, who fled his home country because of extortion by people with ties to the police. His mother had filed a case against them in local courts. Gian entered the United States and applied for asylum in 2022. He was living and working in the United States while awaiting his court date. A masked ICE agent with no ID pulled him over while he was driving. The agent threatened to break the car window, threw him on the ground, and detained him. While detained, he told officers about his asylum claim. ICE did not allow him to call anyone. He eventually had a hearing with an immigration judge who denied his asylum claim and urged him to take voluntary departure. He did this, but feels he was coerced into it, rather than appealing the denial. In early 2026, he crossed into the United States through the Canadian border. Border Patrol arrested him, denied a phone call to a lawyer, forced him to sign a deportation order, and deported him to Costa Rica in April 2026.

Several of the individuals interviewed who were forcibly transferred to Costa Rica and did not have their asylum claims meaningfully considered in the United States are now applying for asylum in Costa Rica. Thus, the arrangement with Costa Rica allows the United States to shift responsibility for asylum processing and protection onto Costa Rica.

Accessing Asylum in Costa Rica

Under Costa Rican law, individuals who wish to seek asylum must be able to access the country's asylum procedure[3] irrespective of how they arrived in the country and regardless of the significant constraints on the country's asylum system. The asylum system has a backlog of 177,971 claims, with only a handful of staff at the DGME's Refugee Unit to process them. Indeed, an audit issued by the Costa Rican Controller General on the asylum system found that the DGME was not complying with its domestic obligations to provide access to asylum and had an overreliance on the UNHCR to process claims, designating insufficient government resources and staff to refugee processing. While the Costa Rican government has made some efforts to address these issues since the audit was published – such as implementing a complementary protection scheme for Nicaraguans, Venezuelans, Colombians and

3 Political Constitution of Costa Rica, art. 31; General Law of Migration and Foreigners, art. 31 (8).

Cubans – with the loss of U.S. funding to support its asylum system and no clear efforts to designate more funding to the Refugee Unit, the asylum system will continue to be under significant strain. This is compounded by the addition of forcibly transferred third-country nationals. The lack of staff to process claims affects wait times and slows down the provision of key paperwork like work permits.

Forcibly transferred third-country nationals receive immediate appointments for their first interview and faster issuance of work cards in comparison to other asylum seekers in Costa Rica, who, according to civil society organizations, are waiting until 2028 for an initial appointment. Costa Rica's decision to accept third-country nationals from the United States is reshaping its own domestic asylum priorities, placing those in the backlog as a second tier priority. The more asylum seekers arrive via the MOU and "jump the queue," the more difficult it will be for Costa Rica to resolve its backlog unless it has significant resources to hire more personnel to process claims. DGME affirms in its letter that this practice is not discriminatory, but done because of the exceptional humanitarian circumstances of the individuals sent under the MOU.

Even with a faster intake, asylum claims in Costa Rica can take years to resolve, and indeed forcibly-transferred asylum seekers claimed authorities told them it could take two years to receive a resolution to their claim. That delay leaves those who apply in a state of legal limbo with little clarity about how long they will be waiting for their claims to be adjudicated. This is especially worrying for people hoping to bring their loved ones to the county via family reunification.

The difficulty is compounded by the government's decision to limit civil society visits to the hotels. Without those visits, these individuals have no way to obtain independent and individualized legal services, and navigating the asylum system on their own becomes much harder – especially for those who do not speak Spanish. This is the case for Lyle, a West African asylum seeker who was forcibly transferred in May 2026 to Costa Rica. Lyle stated that, while he was able to apply for asylum quickly in Costa Rica and obtained his work card, he has not been able to navigate the rest of the process confidently because those at the immigration office do not speak his language. He is desperate to have his claim resolved because his children are in danger in his home country, and he is hoping for family reunification. He expressed frustration at not being provided individualized attention on his asylum claim and is worried he could be waiting years to see his children.

Costa Rica will need to strengthen its asylum system before it can offer third-country deportees the timely access that many of them urgently need and to continue to prioritize asylum seekers who have already waited years in Costa Rica for their claims to be resolved.

Separation from Family

Family separation is frequently a consequence of third country deportation. Our interviews suggest that forcibly transferred third-country nationals are regularly separated from their minor children, who are left in the United States or in their home countries with caregivers or spouses. Many of these children are U.S. citizens. While the United States bears responsibility for the separation of these families, Costa Rica must take steps to ensure this separation does not become permanent.

This is the case for Julio, who left a South American country with his wife and young children because of armed groups who had threatened to kill him after he refused to provide transportation services to

them. He applied for asylum in the United States in 2023. In late 2025, when Julio had received a work permit and was waiting for an immigration court hearing on his asylum claim, he was detained by ICE. During his detention, Julio's wife was pregnant with their third child. At a court hearing while detained, an immigration judge summarily denied Julio's claim and ordered him deported to his home country. By this time, his baby was born and placed in the NICU. Desperate to be with his wife and newborn, Julio traveled north and crossed the U.S. border in May 2026, where he was detained and forcibly transferred to Costa Rica. Julio is applying for asylum in Costa Rica with the express purpose of reuniting with his family in Costa Rica.

Family separation can generate severe financial and emotional distress. Individuals who are deported or forcibly transferred elsewhere often leave their children in the care of spouses or family members who must assume financial and emotional responsibility for those children. Many forcibly transferred individuals had spent years building lives in the United States or had established careers in their home countries, generating a stable income that is suddenly gone. Family members remaining behind struggle financially, while the forcibly transferred individual feels pressure to find work quickly to help support them.

Juan and Alejandra worked in lucrative tech jobs in their home country in South America. Juan began receiving threats from the local government over a land dispute and decided to flee, and Alejandra, who has a heart condition and depends on support from Juan, left with him. They decided to leave their 16-year-old daughter behind with trusted caregivers. After being kidnapped, robbed, and stranded in a sewer when trying to cross the U.S. border, Juan and Alejandra were picked up by the border patrol, detained for five days without having an asylum interview or hearing, and deported to Costa Rica. Juan and Alejandra were able to apply for asylum in Costa Rica and obtained work in a restaurant and as a nanny to a local family. However, as a result of separation from them, their daughter has developed several health conditions, including anxiety, disrupted sleep, and vertigo. As their work is low-pay and they have outstanding loans to repay for their travel to the United States Juan and Alejandra are struggling to pay for their daughter's new medication and must borrow money from their family to pay for her care. They hope their asylum claim is swiftly processed so they can bring their daughter to Costa Rica soon.

The American Psychological Association states that "detention, deportation, family separation, and the constant threat of such actions create chronic stress that increases anxiety, depression, trauma-related symptoms, and long-term health risks." The individuals forcibly transferred to Costa Rica who are separated from their families report low motivation to get out of bed every day, sleep issues, many frequently cry, and some have expressed sentiments of feeling their life has no value if they cannot be with their children.

Calin, from South America, is separated from his wife and two young children in the United States and is currently facing this type of emotional and financial distress. After criminal groups went to his children's school to threaten their lives because Calin did not pay off a debt he owed, the family fled to the United States, where he applied for asylum in 2023. However, in 2025, when he went to his mandatory ICE check-in, Calin was detained, had his asylum claim denied, and was deported back to his home country. After several months, he could no longer stand being away from his family and feeling unsafe, so he decided to cross into the United States again in 2026. Upon recrossing, he was detained and eventually deported to Costa Rica.

In Costa Rica, Calin has struggled greatly with mental health issues. He stated he has had days where he wakes up and feels his life has no value because he is away from his wife and children and he cannot find work in Costa Rica. He said, "It's like I'm living without my heart." Although he has sought psychological services from IOM, he said they were cursory and inadequate to help him, and he felt afterwards as if the sessions were a waste of time. Although he speaks Spanish, no employer has recognized the piece of paper indicating his humanitarian status, so he cannot get a job (more on access to documents below.) The emotional and financial strain have affected his sleep and mood on a daily basis.

Although individuals have access to psychological services provided by IOM, there is no concrete fix to the challenges caused by family separation other than family reunification. However, options for family reunification for the forcibly transferred third-country nationals in Costa Rica are limited. Those with a humanitarian status cannot access family reunification. At least six individuals are applying for asylum in Costa Rica in the hopes of reunifying with their family, and a few more are interested in applying. If their asylum application is approved, they gain refugee status and can apply for family reunification through the DGME.

However, this process can be challenging. Recognized refugees must submit paperwork verifying they have the economic means to cover the needs of the family member and apostilled marriage and/or birth certificates. For refugees who do not speak the language, accessing formal employment is a challenge in Costa Rica. Obtaining apostilled paperwork from countries with no consulate in Costa Rica can also be extremely difficult. Family reunification is not guaranteed as the request can be denied by DGME – although refugees do have the right to appeal the decision. Additionally, with administrative delays due to the asylum backlog, even if approved, reunification could take a very long time. Therefore, while the United States is responsible for the initial separation, individuals face the risk of these separations becoming permanent in Costa Rica.

Because of the limited options available, some interviewed individuals are considering crossing into the United States again to be with their children, despite the risks during the journey and the consequences they could face if caught by Border Patrol again. Others are trying to take AVR so they can unite with their families in their home country, even if they have concerns about return, as they do not see any effective response by Costa Rican authorities regarding their future.

Unclear and Inaccessible Information in Costa Rica

Information Regarding Migration Options

Interviews with individuals indicate that, although IOM and DGME provide some information upon arrival, this information is often unclear, insufficiently accessible in their languages, and incomplete regarding legal and migration options. This suggests violation of the right to clear and effective information under domestic and international law.[4]

4 Costa Rica Law 8220, art. 5; Costa Rica Political Constitution, arts. 27 and 30; American Convention on Human Rights, arts. 8, 13 and 25; International Covenant on Civil and Political Rights, arts. 13 and 14; International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, arts. 16.5, 16.8, 18.3.a); IACtHR, Dominicans and Haitians expelled, (ser. C) no. 282, para. 356

Information is generally provided in a group session, without individualized legal counselling. Without that individual support, people have difficulty understanding what each option would mean for them, which avenue fits their circumstances, or the procedures and requirements they must follow. As a result, the mere provision of information does not necessarily translate into the ability to make an informed decision.

Although interpretation is available during group meetings, third-country nationals have reported difficulties accessing information and assistance in their own language on an ongoing and individualized basis. This is particularly problematic given the complexity and potentially life-changing consequences of the options presented to them. In some cases, individuals have been directed by IOM or DGME to communicate with them through internet-based translation tools, such as Google Translate or AI tools, rather than being provided with live interpretation or written information in a language they understand. The use of internet-based translation tools does not guarantee that the information translated is accurate. Individuals also do not feel comfortable sharing sensitive information through these tools that could be misused or misinterpreted. This situation hinders individuals' ability to ask further questions, clarify their options, or receive individualized guidance. DGME affirms it has provided translation during meetings but did not address the use of AI tools or the difficulties forcibly transferred individuals face in understanding their options.

Information Regarding AVR Program and Constructive Refoulement

Information gaps are particularly significant in the context of the AVR program. IOM initially informed individuals who opted for AVR that they would be repatriated within seven days of arrival. However, interviews indicate that this timeline is not always met and, more importantly, that individuals are not consistently provided with clear information about the status of their requests or when they can expect to be repatriated.

This was the case for Indira, an elderly woman who does not speak Spanish. She expressed serious concerns regarding the lack of information provided upon her arrival in Costa Rica. During her first four days in the country, she received no information about her situation, legal status, or the options available to her and was therefore forced to rely on information shared among other third-country deportees. She was told that the AVR process would likely take approximately four weeks, rather than seven days. Faced with the prospect of being stranded in an unfamiliar country without clear information about her options, her family ultimately paid for a flight for her to return home.

IOM told some individuals who applied for AVR that their repatriation could take between two and four weeks, while others reported receiving no clear updates or indication of when they would be repatriated. Regardless of the reasons for delays, the lack of meaningful updates leaves individuals in a state of uncertainty about how long they will remain in Costa Rica. This directly affects their ability to make informed decisions and plan for their immediate future, including whether to seek employment, how to manage their limited financial resources, and whether they should make other arrangements while awaiting repatriation.

For example, Shakur, who fled his country due to persecution, lacks clarity about his options in Costa Rica, despite receiving communications in his native language. He is uncertain whether applying

for asylum in Costa Rica could provide a pathway to reunite with his family, who remain in his home country. He is concerned that he could face a situation similar to his experience in the United States, where he had a pending asylum claim but was nevertheless deported. He has already been separated from his family for five years. Against this background, he requested access to AVR but, at the moment of the interview, he had not heard any updates from IOM for around six weeks. Around week 12 after his request, he was finally repatriated to his country of origin.

This could amount to constructive refoulement, where the actions or omissions of the receiving State or other responsible authorities create conditions that effectively leave individuals with no meaningful alternative but to return to a country they fled and fear returning to. Individuals stranded in Costa Rica for months, without clear and accessible information or individualized legal advice, are left in profound uncertainty about their future. In these circumstances, the lack of viable information and support can effectively pressure individuals toward returning to countries they have fled and fear returning to.

Other individuals have been affected by this situation. Amir fled his country and does not wish to return, but is now seriously considering requesting AVR after being stranded in Costa Rica for almost five months without receiving clear information about his legal situation or immediate future. Hilda, Andrea, and Davina opted to take AVR after several weeks in Costa Rica. They stated that they were tired of being stranded in a country they did not know with no work opportunities. They had not been given DIMEX cards and only had the humanitarian status document that is not widely recognized by employers.

Information Regarding Individuals' Accommodation

In August 2026, IOM transferred third-country nationals from one hotel to another with no explanation. Some individuals were relocated outside San José, including to a hotel in the neighboring province of Heredia. On some occasions, IOM has provided only short notice, informing individuals through a small piece of paper that they would be transferred to another hotel the following day. IOM has provided no reason for the transfers or indication of their duration–although in its feedback to GSLC and RI attributed the transfers to operational considerations. IOM has seemingly given no consideration as to how changing the location of accommodations may affect individuals' daily lives, especially their ability to get to their jobs. Relocation can significantly increase commuting times and make it more difficult for individuals to arrive at work on time or return safely to their accommodation after late shifts. Some third-country nationals have had to rely on taxis rather than public transportation, incurring additional expenses. Changes in location have also affected individuals' ability to access meals provided at the hotels, with some reporting that they have had to purchase food because they cannot return to the hotel in time for lunch or dinner.

This is the case for Julio and Taamir, both asylum seekers who have secured employment in San José. Their previous hotels were centrally located and accessible by public transportation or taxi. After IOM transferred them to another hotel, however, it became significantly more difficult for them to reach their workplaces. As one of them explained: "They (IOM) don't take into account that there are a few of us who want to do things right, that we already have work, and that they're pushing us away from our jobs." When their shifts end at night, they do not feel safe using public transportation and therefore have to rely on taxis to return to their accommodation. One of them also asked to remain at the previous hotel because of the impact of the relocation on his employment, but IOM refused without providing an explanation.

It is also important to note that not all individuals who have secured employment have informed IOM of their employment, and some have chosen not to disclose this information because of fear about potential repercussions towards them; specifically, losing the accommodation and other humanitarian support provided by IOM.

This situation further demonstrates the absence of a clear and structured plan by IOM and DGME regarding the treatment of third-country nationals creating a risk of arbitrary practices and treatment that may undermine their human rights, such as the right to work.

Lack of Documentation of Legal Status

The interviews suggest that nine out of the 21 individuals[5] have not been provided with Costa Rican-issued identification documents evidencing their legal status in the country. This raises concerns regarding their ability to exercise the rights attached to that status.[6] Without documentation confirming their identity and immigration status, individuals are placed at further risk of exclusion from services (medical services, access to opening bank accounts, access to education), employment, and other rights and protections.[7] As the Constitutional Court determined last year, individuals are entitled to individualized resolutions regularizing their immigration status and to the issuance of the corresponding identification document—in this case, the DIMEX (migratory identity document for foreigners).

Upon arrival, DGME issues tourist visas to forcibly transferred third-country nationals. This document provides them with legal status in the country for a period of 30 days. After this period, individuals who have not applied for asylum or AVR are reportedly granted humanitarian status by DGME. The resolution is only provided in Spanish and verbally explained in other languages. According to the resolutions reviewed by GSLC and Refugees International, this migratory category provides: (i) authorization to work legally in Costa Rica; (ii) legal status in the country until April 2027; (iii) authorization to leave the country; and (iv) the possibility of opening bank accounts and accessing other public services.

However, despite being legally present in Costa Rica and holding a resolution documenting their humanitarian status, individuals have not been provided with a DIMEX or a corresponding identification number. DGME has not provided clear or consistent instructions as to how individuals can obtain the document, where they should apply, or what requirements and fees apply. IOM has similarly provided limited assistance, in some cases simply directing individuals to attend DGME offices on their own.

This creates significant practical barriers to accessing employment, banking, phone services and public services, and, for some individuals, the ability to pursue a visa to or other migration statuses in third countries. For instance, banks and public institutions do not always accept the humanitarian resolution as sufficient proof of identity or legal status, while the absence of a DIMEX can also hinder access to

5 The remaining 11 individuals have either left Costa Rica or applied for asylum.
6 Political Constitution, art. 33; Law Nº 8764, arts. 138 and 176; Regulation to Law Nº 8764, art. 289; American Convention on Human Rights, art. 3 and art. 24; International Covenant on Civil and Political Rights, arts. 16 and 26.
7 Through Official Letter DG-1244-09-2026, sent to Refugees International and GSLC on September 16, 2026, the DGME denies that the individual resolutions granting humanitarian status constitute inadequate identification documents. The DGME maintains that Resolution D.JUR-0170-04-2026-JM—which authorizes the entry into Costa Rica of foreign nationals deported from the United States—constitutes an identification document. Despite this position, individuals continue to face significant practical barriers when using this documentation as their identification.

employment. Employers may be reluctant to hire individuals because they cannot readily verify their legal status, and may encounter difficulties registering them in the Costa Rican social security system.

As a result, there is a significant gap between the legal status formally granted to deportees and their practical ability to prove and exercise the rights associated with that status. The DGME, through Official Letter DG-1244-09-2026, sent to Refugees International and GSLC on September 16, 2026, recognizes that it is currently evaluating the possibility of issuing a DIMEX identity document to foreign nationals who wish to remain in Costa Rica under the special humanitarian category, but must analyze the viability of issuing the DIMEX because they cannot waive its cost and fees.

Akon, for example, was forcibly transferred to Costa Rica at the end of May 2026. Although the 30-day tourist visa issued upon his arrival has since expired, he has not been granted humanitarian status. Despite repeatedly seeking clarification, neither IOM nor DGME have explained his legal status or indicated when he will receive documentation reflecting it.

Taamir, by contrast, has been granted humanitarian status but has not been issued a formal identification document. At one point, IOM officials informed him that he would have to travel to the DGME on his own, pay a U.S. $50 fee, and request the document himself. This information was subsequently denied by DGME, which stated that it would inform individuals when and how it would issue the documents. Nevertheless, Taamir has now been in Costa Rica for almost five months without receiving his identification document or any further update regarding the formalization of his legal status.

Conclusion

Costa Rica has a long history of upholding human rights, strong institutions, a functioning (albeit, extremely strained) asylum system, and legal protections for displaced people laid out in its constitution and immigration laws. If a third country deportation agreement violates the rights of individuals in a country like Costa Rica, it signals that rights violations are inherent to the DNA of these agreements.

The agreement between the United States. and Costa Rica on third-country nationals hinges primarily on the IOM to provide humanitarian assistance while offering its AVR program. In practice, however, AVR does not constitute a viable solution for many of the individuals forcibly transferred to Costa Rica as many of them fear persecution or serious harm if returned to their countries of origin. Others have been separated from their families in the United States, including children and other close relatives – meaning voluntary return cannot reasonably be understood as a durable solution (and will likely lead to people migrating to the United States again in order to be reunited). Many third-country nationals thus have remained in Costa Rica for prolonged periods—some for roughly six months—without clarity as to what will happen to them. While their accommodation has, thus far, generally been adequate and individuals have not been subjected to detention, the humanitarian assistance provided through IOM does not resolve the underlying question of their legal and administrative status or their long-term prospects in Costa Rica. It is also unclear if and what arrangements are in place should IOM funding cease, impacting accommodation and other assistance currently provided.

Although Costa Rica is bound by legal obligations to provide access to international protection and safeguards against refoulement, the country's asylum system is on the verge of collapse. The MOU does not include a corresponding expansion of the State's capacity to receive and process additional asylum claims, nor a concrete plan to ensure that individuals who require international protection can access an effective and timely procedure. The same institutional gap is evident in the provision of information and legal assistance. Costa Rica is receiving individuals of different nationalities and protection needs, but the mechanisms currently in place do not consistently ensure that they receive clear, individualized, and accessible information about their legal options due to translation barriers and lack of individual attention. Critically, DGME does not appear to have established procedures for providing documentation necessary for individuals who remain in Costa Rica for the long term to meaningfully regularize their status and begin rebuilding their lives.

If Costa Rica continues to receive individuals under the MOU, it must have the institutional capacity, administrative mechanisms, resources, and safeguards necessary to ensure that it upholds its domestic and international human rights obligations. Right now, the MOU risks leaving forcibly transferred individuals stranded in Costa Rica, caught between the U.S. externalization policies and Costa Rica's own failure to uphold their rights.

Recommendations

Our organizations have documented why third country deportation agreements should be terminated and argued that the United States must provide meaningful access to asylum to credible claimants. Both of our organizations have written about the harms of U.S. externalization policies and asylum restrictions. Our strong view is that the most important step would be an immediate termination of these U.S. agreements with third countries. Presuming, however, that neither the United States nor Costa Rica will terminate the MOU in the months ahead, we recommend important ways to improve access to rights of third-country nationals forcibly transferred from the United States to Costa Rica.

To the Government of Costa Rica:

- Suspend the implementation of the agreement, particularly in light of the State's limited capacity to receive, accommodate, and provide protection to additional transferred individuals. No further transfers should be accepted unless the State can ensure the necessary resources, infrastructure, and safeguards to meet its national and international obligations.
- Require that the United States provide information regarding the protection claims or immigration status and U.S. relatives of people it forcibly transfers to Costa Rica. Assert more control over the profiles of people that Costa Rica accepts from the United States by refusing certain groups of vulnerable people, including children and individuals who have spouses or minor children in the United States. For those who are already in the country and separated from family, ease administrative barriers to reunification for recognized refugees and create a family reunification procedure for those with humanitarian status.
- Ensure that all information regarding available options for legal status in Costa Rica is provided in native languages, including through qualified interpretation and translation for written decisions and documentation.
- Continue to automatically issue individualized documents granting humanitarian status to all migrants who do not opt for AVR or apply for asylum, and ensure that these documents are promptly provided to third-country nationals.
- Urgently establish and facilitate a clear process for issuing DIMEX (migratory identity documents for foreigners) to all individuals who do not opt for Assisted Voluntary Return (AVR) or apply for asylum, ensuring that they can effectively exercise the rights associated with their legal status, including access to employment and public services.
- Ensure that asylum applications are processed in a timely manner and that asylum seekers are promptly provided with documentation confirming their status and their authorization to work.
- Ensure that information about the possibility of seeking asylum is provided at multiple stages of individuals' stay in Costa Rica, in a language they understand, in order to counter misinformation and ensure meaningful and informed access to the asylum procedure. Where an individual expresses an intention to seek asylum, facilitate prompt referral to UNHCR and/or qualified legal service organisations for information and assistance.

- Ensure that civil society and other relevant stakeholders have timely access to updated public information regarding the flights carrying third-country nationals to Costa Rica. This information should include, at a minimum, the number of individuals transferred on each flight, their immigration status and relatives in the United States, and relevant demographic information such as age, gender, and identified vulnerabilities, aligned with data-protection and privacy safeguards. Further, allow civil society organizations, particularly those providing legal services, regular and sustained access to the hotels to provide information and individual, confidential legal consultations and support to all individuals that want it.

To the IOM:

- Ensure that Assisted Voluntary Return (AVR) is limited solely to individuals who can return to their countries of origin safely and voluntarily, without fear of persecution or other serious harm, and that no individual feels compelled to request AVR as their only viable means of leaving Costa Rica.
- IOM should assess whether it has the financial and organizational capacity to continue implementing the MOU in Costa Rica while ensuring adequate humanitarian assistance and conditions for all forcibly transferred individuals. Where financial or capacity constraints could adversely affect individuals' well-being or access to humanitarian services, they should develop a contingency plan with the DGME – who is the party responsible for these individuals – to ensure forcibly transferred individuals are not left without support.
- Promptly refer individuals to the DGME when they require information or assistance regarding their migratory options in Costa Rica, recognizing that IOM is often their primary point of contact. Avoid directing individuals to attend DGME's offices on their own to resolve matters relating to their migratory status. Instead, IOM should coordinate directly with DGME and facilitate the individual's access to the relevant official or procedure, including through accompaniment where necessary.
- Provide improved and continuous psychological services to all individuals ensuring that support is available throughout their stay in Costa Rica and responsive to their individual needs.
- Ensure that all information provided by IOM is communicated in their native language, including through qualified interpretation and translation where necessary, for written decisions and documentation.
- Provide timely, clear, and accessible information about their accommodation: for how long can they remain at the hotels, why are they being moved from one hotel to another, etc.

Refugees International

1800 M ST NW
Suite 300S
Washington, DC 20036

Phone: (202) 828 0110
Fax: (202) 828 0819
Email: ri@refugeesinternational.org

X: @RefugeesIntl
Bluesky: @refugeesinternational.org
Instagram/Threads: @RefugeesIntl
Facebook: Refugees International
Linkedin: Refugees International

GLOBAL STRATEGIC LITIGATION COUNCIL

Instagram: @global_council
Linkedin: Global Strategic Litigation Council